

Austin Update

2021 Legislative Session – What to Expect

Important Dates: See [End of Session Deadline Calendar](#)

5 Days left of the 87th Legislative Session.

May 30 – Last Day for House and Senate to adopt conference committee reports or discharge conferees and concur on respective amendments.

May 31 – Last day of 87th Regular Session (sine die); only corrections may be considered in the House and Senate

2021 Legislative Session – House and Senate Action

- **SB 1160 – Gulf Coast Protection District – Passed the House, as amended; Passed the Senate** – The Senate has refused to concur with the House-passed amendment added to SB 1160 and has appointed conferees (Chairman Larry Taylor; Senator Carol Alvarado, Senator Paul Bettencourt, Senator Borris Miles, and Senator Charles Perry). Once the House appoints conferees, the amendment offered by Rep. Middleton that was added on the House floor will be negotiated or removed from the bill. A final vote on the conference report will be required. Attached is the Senate-passed SB 1160 and the Middleton Amendment.
- **SB 10 – Lobbying restrictions – Postponed until September 18, 2021 (effectively killing the bill for this session)** – Requires a public vote of the governing body at an open meeting before certain political subdivisions and other governmental and nonprofit entities may spend public money or otherwise compensate a contracted lobbyist to influence pending legislation, prohibits a contracted lobbyist from attempting to influence certain tax measures, and providing for the public disclosure of certain information relating to lobbying contracts. See [Senate-passed and House Bill Substitute Comparison Analysis](#).

Local Administration

- **HB 1925 – Public Camping Ban – Passed Senate, as amended; Passed House** – creates an offense of a class C misdemeanor if a person intentionally or knowingly camps in a public place without the consent of the legal authority that manages the public place. The bill also prohibits local entities from adopting or enforcing a policy that prohibits or discourages enforcement of a public camping ban. The bill includes an exception to the ban for authorized camping in state parks. The bill amends current law relating to prohibitions on camping in a public place and to a political subdivision's designation of property for camping by homeless individuals and creates a criminal offense. In addition, the bill does not apply to camping for: 1) recreational purposes; 2) sheltering the homeless that complies with a plan approved by the Texas Department of Housing and Community Affairs (TCDHA); 3) purposes permitted and in compliance with an approved beach access plan; 4) emergency shelter during a disaster under a Declaration of State of Disaster or a Declaration of Local Disaster. Senate added two amendments: 1) a plan may not be approved by TDHCA if it determines the property proposed is a public park; and 2) eliminates “arrests” at the time the

police officer issues a citation and advises the person where they may lawfully camp and contact information for the appropriate local official to provide information on alternative camping sites and/or needed services. If the House does not concur with Senate changes, conferees will be appointed to address differences between the House-passed and Senate-passed bills.

TWIA Legislation

- **SB 1448 – TWIA Legislative Oversight Board and Rates** – The bill continues the windstorm insurance Legislative Funding and Funding Structure Oversight Board, requires legislative recommendations report due to the governor, lieutenant governor, and speaker of the house no later than January 1, 2023; and establishes that a TWIA premium rate increase requires a two-thirds vote of the board of directors to approve the new rate.
- **HB 769 – TWIA Administration – Passed the Senate, as amended; Passed the House** – Prohibits the board of directors of the Texas Windstorm Insurance Association (TWIA) from voting on a proposed rate filing if there is a vacancy on the board. Prohibits TWIA from purchasing reinsurance under this section from an insurer or broker involved in the execution of a catastrophe model on which TWIA relies in determining the probable maximum loss applicable for the period covered by the reinsurance or in adopting rates. If the House does not concur with Senate changes, conferees will be appointed to address differences between the House-passed and Senate-passed bills.
 - **HB 3564 – TWIA Certificate of Compliance – Passed the Senate; Passed the House** – prohibit the Texas Department of Insurance from rescinding a certificate of compliance for a completed or ongoing improvement for purposes of coverage under a policy issued by the Texas Windstorm Insurance Association after issuing the certificate. That prohibition applies to certificates that are in effect or issued on or after the bill's effective date.

Property Tax and Appraisals

- **HB 988 – Appraisal Review Boards – Passed the Senate, as amended; Passed the House** – requires appraisal review boards (ARBs) to adopt hearing procedures that conformed with model procedures issued by the comptroller and would establish a process for property owners to request limited binding arbitration to compel an ARB or chief appraiser of an appraisal district to take certain action. If the House does not concur with Senate changes, conferees will be appointed to address differences between the House-passed and Senate-passed bills.
- **HB 1869 – “Debt” Definition – Passed the Senate, as amended; Passed the House** – The bill as filed would have modified the definition of “debt” for purposes of the debt service property tax rate calculation to only include debt approved at an election. As passed by the House, the bill gives cities the ability to debt finance certain infrastructure and equipment (even if not first approved by the voters), addresses the City of Galveston’s concerns with regards to the treatment of Emergency Anticipation Notes as debt for the purposes of property tax rate calculations, continues to allow use of Certificates of Obligation (COs) for water and wastewater projects, and several other amendments beneficial to cities. The Senate-passed bill eliminates the population bracket exemptions from the bill for certain jurisdictions (Galveston was not one). If the House

does not concur with Senate changes, conferees will be appointed to address differences between the House-passed and Senate-passed bills.

- **SB 63 – Property Appraisal System Improvements – Passed the House, as amended; Passed the Senate** – the bill provides reforms to the governance of appraisal districts, improves transparency, access to trainings, and makes the appraisal process more responsive and easier for taxpayers to navigate. See [Bill Analysis](#). The House amended the bill to provide a tax exemption for solar or wind-powered devices primarily for production and distribution of energy for on-site use regardless of whether the person is the owner of the real property on which the device is installed or construction. If the House does not concur with Senate changes, conferees will be appointed to address differences between the House-passed and Senate-passed bills.

Public Safety

- **HB 1900 – Passed the Senate, as amended; Passed the House** – applies only to municipalities with a population of more than 250,000 and determined to be a “defunding local government” who adopted a police department budget that is lower than the preceding fiscal year. The bill imposes numerous additional penalties on a “defunding” city in addition to a property tax rate limitation, including sales tax withholding, annexation restrictions, and a requirement to pay for and hold dis-annexation elections in every area annexed by the city over the preceding 30 years. Corpus Christi Senator Chuy Hinojosa was successful adding exceptions for crime control and prevention districts, industrial districts (in effect as of January 2021), and a provision adding some flexibility to the bill’s municipal-owned electric utilities rate limitations. If the House does not concur with Senate changes, conferees will be appointed to address differences between the House-passed and Senate-passed bills.
- **SB 24 – Law Enforcement Agency Hiring Procedures – Passed House, as amended; Passed Senate** – relating to procedures required before a law enforcement agency hires a police officer. As passed by the Senate, the bill: 1) allows a hiring law enforcement agency to view the contents of a police officer’s personnel file; 2) establishes preemployment procedural requirements before a law enforcement agency hires a peace officer; and 3) requires the Texas Commission on Law Enforcement to establish procedures that allows a person’s employment records to be electronically available to a hiring law enforcement agency.
- **HB 3807 – Lifeguards and signs on public beaches – Passed the Senate, as amended; Passed the House** – requires a municipality, county, or the Texas Parks and Wildlife Department, from Memorial Day to Labor Day, to provide: 1) occupied lifeguard towers or mobile lifeguard units on each side of each pier, jetty, or other structure that protrudes into the Gulf of Mexico that is located within the corporate boundaries; or a single occupied lifeguard tower or mobile lifeguard unit at each pier, jetty, or other structure that protrudes into the Gulf of Mexico that is located within the corporate boundaries if the single tower provides an unobstructed view of both sides of the structure; and (2) post within 100 yards of each side of each lifeguard tower or mobile unit signs clearly describing the dangerous water conditions that may occur near the structure. A municipality is authorized to suspend or alter the duties imposed under the bill during dangerous weather conditions or emergency operations. If the House does not concur

with Senate changes, conferees will be appointed to address differences between the House-passed and Senate-passed bills.

- **SB 69 – Chokeholds Prohibited – House Passed, as amended; Passed the Senate** – prohibits a peace officer from intentionally using a choke hold, carotid artery hold, or similar neck restraint in searching or arresting a person unless the restraint is necessary to prevent serious bodily injury to or the death of the officer or another person. Adds language from SB 68 that requires an officer has a duty to intervene to stop or prevent another officer from using excessive force. If the Senate does not concur with House changes, conferees will be appointed to address differences in the House-passed and Senate-passed bills.

Emergency Management

- **SB 877 – Municipal building inspections during a declared disaster – Passed the House, as amended; Passed the Senate** - The Senate-passed bill authorized certain individuals to perform an inspection during a declared disaster. The House-passed bill includes a licensed engineer among those individuals and clarifies that the authorization for the individuals to perform the inspection does not apply to a person who is the owner of the building or a person whose work is the subject of the inspection. The House-passed bill requires the person who performs the inspection to comply with municipal building inspection regulations and policies and to provide notice to the municipality of the inspection. Both bills prevent a municipality from collecting an inspection fee related to the inspection of a building performed under the bill's provisions. If the Senate does not concur with House changes, conferees will be appointed to address differences in the House-passed and Senate-passed bills.
- **SB 3 – Responses to weather emergencies and power outages – Passed the House, as amended; Passed the Senate** – The bill sets forth provisions for preparing for, preventing, and responding to weather emergencies and power outages, and increases the amount of administrative and civil penalties. Eliminates the current exemption and requires an affected utility to do the following: 1) ensure the emergency operation of its water system during an extended power outage at a minimum water pressure of 20 pounds per square inch, or at a water pressure level approved by the Texas Commission on Environmental Quality (TCEQ), as soon as safe and practicable following the occurrence of a natural disaster; and 2) adopt and submit to TCEQ for its approval an emergency preparedness plan that demonstrates the utility's ability to provide those emergency operations and a timeline for implementing the plan. If the Senate does not concur with House changes, conferees will be appointed to address differences in the House-passed and Senate-passed bills.

Transportation

- **HB 3665 – Definition of “bicycle”; rules of the road – Passed the Senate, as amended; Passed the House** – The bill expands the definition of "bicycle" for purposes of the rules of the road to include a device capable of being ridden solely using human power and that has two or more wheels, at least one of which is more than 14 inches in diameter, and a belt, chain, or gears. The bill specifies that the definition excludes a

moped. The Senate added language to include modifications necessary for adaptive riding by persons with disabilities. If the House does not concur with Senate changes, conferees will be appointed to address differences between the House-passed and Senate-passed bills.

- **SB 1055 – Motor vehicle accidents within crosswalks – Passed House, as amended; Passed Senate** – expands the duties of a driver in the Transportation Code and provide penalties for motor vehicle drivers who inflict bodily injury or serious bodily injury to a pedestrian or individual who is lawfully utilizing a crosswalk in a roadway. Additionally, this bill adds definitions of motor and electric vehicles that are commonly used in crosswalk areas into statute. The House amendment made technical clarifications. If the Senate concurs with the House amendment, a final vote will be required on a conference report prior to reaching the Governor’s desk.

Washington Update

Administration Directs \$1 Billion to Pre-Disaster Mitigation Resources

Today the President received an update on preparations for the 2021 hurricane season and [announced](#) the administration will direct \$1 billion for communities, states, and Tribal governments into pre-disaster mitigation resources to prepare for extreme weather events and other disasters. The funds will be provided through the Federal Emergency Management Agency’s (FEMA) Pre-Disaster Building Resilient Infrastructure and Communities (BRIC) program, a portion of which will be targeted to disadvantaged communities and is double the amount of funding provided last year. Last week the President signed an [executive order](#) directing federal agencies to [analyze and mitigate](#) the financial risk posed by climate change.

Senate Committee Releases Bipartisan Highway Bill

On Saturday bipartisan leadership of the Senate Committee on Environment and Public Works (EPW) [released](#) a surface transportation reauthorization bill that will be marked up by the committee on Wednesday. The [Surface Transportation Reauthorization Act of 2021](#) sets a new baseline funding level at a historic high of \$303.5 billion over five years for Department of Transportation programs for highways, roads, and bridges. Transit, rail and other types of programs, including financing options, fall under the jurisdiction of other committees and are not included in this legislation. The full text can be found [here](#), along with tables for [apportionments](#) and [authorizations](#). Last week the Congressional Budget Office (CBO) offered [testimony](#) on options for funding and financing highway spending and noted that balances in both the highway and transit accounts of the Highway Trust Fund are projected to be exhausted in 2022.

Reports of Interest

Physical Infrastructure: Preliminary Observations on Options for Improving Climate Resilience of Transportation Infrastructure

US General Accounting Office (GAO) Report